



## COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled ENZYMES HAVING HIGH TEMPERATURE POLYMERASE ACTIVITY AND METHODS OF USE THEREOF, the specification of which:

- ☐ is attached hereto.  
☒ was filed on December 21, 2001 as Application Serial No. 10/034,849 and was amended on \_\_\_\_\_.  
☐ was described and claimed in PCT International Application No. \_\_\_\_\_ filed on \_\_\_\_\_ and as amended under PCT Article 19 on \_\_\_\_\_.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose all information I know to be material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim the benefit under Title 35, United States Code, §119(e)(1) of any United States provisional application(s) listed below:

| <u>U.S. Serial No.</u> | <u>Filing Date</u> | <u>Status</u> |
|------------------------|--------------------|---------------|
|------------------------|--------------------|---------------|

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose all information I know to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

| <u>U.S. Serial No.</u> | <u>Filing Date</u> | <u>Status</u>                     |
|------------------------|--------------------|-----------------------------------|
| 09/656,309             | 09/06/2000         | Pending                           |
| 09/391,340             | 09/07/1999         | pending                           |
| 08/907,166             | 08/06/1997         | Issued as Patent No.<br>5,948,666 |

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

| <u>Country</u> | <u>Application No.</u> | <u>Filing Date</u> | <u>Priority Claimed</u> |
|----------------|------------------------|--------------------|-------------------------|
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**Combined Declaration and Power of Attorney**  
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I hereby appoint the Practitioners at Customer Number 20985 to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith. Also include Greg Shen, registration number 47940.


Direct all correspondence and all telephone calls to Customer Number :



20985

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Full Name of Inventor: WALTER CALLEN

Inventor's Signature: 

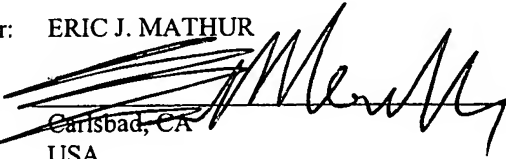
Date: 10/29/02

Residence Address: San Diego, CA

Citizenship: USA

Post Office Address: 3469 Stetson Avenue  
San Diego, CA 92122

Full Name of Inventor: ERIC J. MATHUR

Inventor's Signature: 


Date: 11/01/02

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Full Name of Inventor: JAY M. SHORT

Inventor's Signature: 

Date: 11/5/02

Residence Address: Rancho Santa Fe, CA

Citizenship: US

Post Office Address: 681 Paseo Delicias  
Box 7214  
Rancho Santa Fe, CA 92067-7214

ASSIGNMENT

For valuable consideration, I, JAY M. SHORT of 681 Paseo Delicias (Box 7214),  
Rancho Santa Fe, CA 92067-7214, hereby assign to: Diversa Corporation, a Delaware  
corporation having a place of business at:

4955 Directors Place  
San Diego, CA 92121-3829  
USA

and its successors and assigns (collectively hereinafter called "the Assignee"), the entire right,  
title and interest throughout the world in the invention(s) and improvement(s) which are subject  
of an application for United States Patent signed by me, entitled, ENZYMES HAVING HIGH  
TEMPERATURE POLYMERASE ACTIVITY AND METHODS OF USE THEREOF, filed  
December 21, 2001, and assigned U.S. Serial Number 10/034,849; and I authorize and request  
the attorney(s) appointed in said application to hereafter complete this assignment by inserting  
above the filing date and serial number of future related applications when known and to insert  
on this Assignment any further identification, including any further identification that may be  
necessary or desirable in order to comply with the rules of the United States Patent and  
Trademark Office for recordation of this document; and I authorize and request the attorney(s)  
appointed in said application to hereafter insert the filing date(s) and serial number(s) of related  
continuations, divisionals, continuations-in-part (CIPs), reissues, re-examinations, and  
international applications when known. This assignment includes the application(s) cited herein  
and any and all related United States patent applications, including divisionals, reissues, re-  
examinations, continuations, CIPs, any and all United States and foreign patents, utility models,  
and design registrations granted for any of said invention(s) or improvement(s), and the right to  
claim priority based on the filing date of said application under the International Convention for  
the Protection of Industrial Property, the Patent Cooperation Treaty, the European Patent  
Convention, and all other treaties of like purposes; and I authorize the Assignee to apply in all  
countries in our names or in its own name for patents, utility models, design registrations and  
like rights of exclusion and for inventors' certificates for said invention(s) and improvement(s);

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and I agree for me and my respective heirs, legal representatives, successors and assigns, without further compensation to perform such lawful acts and to sign such further applications, assignments, Preliminary Statements and other lawful documents as the Assignee may reasonably request to effectuate fully this assignment.

IN WITNESS WHEREOF, I hereto set my hand and seal at San Diego, CA,  
this 5th day of November, 2002

Jay M. Short L.S.  
JAY M. SHORT

**COPY**